

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554  
DEC 8 1998

OFFICE OF  
MANAGING DIRECTOR

86-285

Jerry V. Haines, Esquire  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

Re: R. Steven Hicks  
New FM Station  
Round Rock, Texas  
Fee Control # 9802208195042003

Dear Mr. Haines:

This is in response to your request for refund of the application fee filed on behalf of R. Steven Hicks, permittee of a new FM station on Channel 290C2 in Round Rock, Texas.

You represent, and our records reflect, that a petition to amend substituting Mr. Hicks for one of the original applicants to this proceeding was filed accompanied by a fee for a major FM modification. The petition to amend was granted for good cause shown, and, as part of a universal settlement agreement, Mr. Hicks was awarded the construction permit. See *Memorandum Opinion and Order*, FCC 98M-33 (March 20, 1998). You state that Mr. Hicks believed that the petition to amend represented a major modification application, submitted the corresponding fee in error, and thus should be entitled to a refund.

Section 3002(a)(3) of the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. (1997), added Section 309(l) to the Communications Act of 1934. Section 309(l) required the Commission to "waive any provisions of its regulations necessary" to permit competing broadcast applicants to enter into settlements. Pursuant to that section, the Commission has waived its regulations and approved of settlements that involved the award of construction permits to non-party applicants, such as Mr. Hicks. See *Lisa M. Harris*, 13 FCC Rcd 8403 (1998); *Edward P. and Pamela J. Levine*, 13 FCC Rcd 2755 (1997); see also 47 C.F.R. § 73.3573(b). Under the circumstances, since the petition to amend did not constitute a major modification, Mr. Hicks was not required to file the associated application fee. Mr. Hicks thus is entitled to a fee refund. See 47 C.F.R. § 1.1113(a)(1).

Jerry V. Haines, Esquire  
Page 2.

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$2,470.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,

  
Mark Reger  
Chief Financial Officer

# Payment Transactions Detail Report

Date: 10/8/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9802208195042003	WILEY REIN & FIELDING 1776 K STREET NW  WASHINGTON DC 20006	FCC18765	02/19/98

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,470.00	\$2,470.00	1	MTR	1	EWFMSTAT	HICKS, R STEVEN	78703		\$2,470.00	1	PMT
Total	1								\$2,470.00		

9802208195042003

BCB  
COPY

WILEY, REIN & FIELDING

1776 K STREET, N.W.  
WASHINGTON, D.C. 20006  
(202) 429-7000

WRITER'S DIRECT DIAL NUMBER

August 27, 1998

FACSIMILE  
(202) 429-7049

(202) 429-7280

**BY HAND**

Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
1919 M Street, N.W.  
Room 852  
Washington, D.C. 20554

RECEIVED  
SEP 3 11 01 AM '98  
ASSOC. MNG. DIR.  
FINANCIAL OPERATIONS  
(AND-FO)

Re: Request for Refund of Filing Fee for Amendment to Construction Permit  
Application for KFMK(FM), Round Rock, Texas (File No. BPH-  
880714MN)

Dear Mr. Fishel:

Transmitted herewith, on behalf of R. Steven Hicks ("Hicks"), permittee of the construction permit for KFMK(FM), Round Rock, Texas, is a request for refund of an erroneously paid application filing fee. This request is being submitted pursuant to Section 1.1113 of the Commission's rules.

The construction permit for KFMK(FM), granted by Memorandum Opinion and Order, released March 20, 1998 (FCC 98M-33), was the result of a settlement agreement among Hicks and the three competing applicants for the permit. (A copy of the authorization is attached hereto as Attachment A. The call sign for the construction permit became effective on July 7, 1998 (see Attachment B).) Pursuant to the settlement agreement, one of the three competing applicants, August Communications Group, Inc. ("August"), amended its application to substitute Hicks as applicant. The other two applicants withdrew.

To effectuate the terms of the settlement agreement, Hicks prepared what was believed to be a major amendment, which was submitted by August along with a petition for leave to amend and Hicks' \$2,470.00 filing fee on February 18, 1998. (See

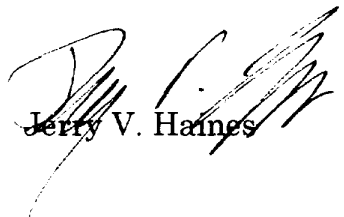
Managing Director  
August 27, 1998  
Page 2

Attachment C.) The Commission's staff treated the amendment as a minor amendment, however, which does not require a filing fee.

Accordingly, based on these circumstances, the permittee respectfully requests a refund of its \$2,470.00 filing fee for the amendment filed February 18, 1998.

If any questions should arise concerning this matter, kindly contact the undersigned directly.

Respectfully yours,



Jerry V. Haines

cc: Tom Holleran (FCC, 1919 M St.- Hand Deliver)

## **ATTACHMENT A**

FCC 98M-33

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re Applications of	)	MM DOCKET NO. 90-608
	)	
ELINOR LEWIS STEPHENS	)	File No. BPH-880714ML
	)	
AUGUST COMMUNICATIONS GROUP, INC.	)	File No. BPH-880714MN
	)	
GRASS ROOTS RADIO, INC.	)	File No. BPH-880714NJ
	)	
For Construction Permit for a	)	
New FM Station on Channel 290C2	)	
in Round Rock, Texas	)	

MEMORANDUM OPINION AND ORDER

Issued: March 18, 1998

;

Released: March 20, 1998

1. Under consideration are: (a) a Joint Request for Approval of Settlement Agreement, filed on January 30, 1998, by Elinor Lewis Stephens ("Stephens"), August Communications Group, Inc. ("August"), Grass Roots Radio, Inc. ("Grass Roots"), and R. Steven Hicks ("Hicks") (collectively "Petitioners"); (b) a Supplement to Joint Request for Approval of Settlement Agreement, filed on February 2, 1998, by the Petitioners; (c) a Petition for Leave to Amend Application, filed on February 20, 1998, by August; (d) Consolidated Comments in Support of Joint Request for Approval of Settlement Agreement and Petition for Leave to Amend Application, filed on February 27, 1998, by the Mass Media Bureau ("Bureau"); (e) a Petition for Leave to Amend, filed on March 2, 1998, by Stephens; (f) an Erratum to Petition for Leave to Amend, filed on March 3, 1998, by Stephens; (g) a Petition for Leave to Amend Application, filed on March 3, 1998, by August; (h) a Petition for Leave to Amend Application, filed on March 6, 1998, by August; (i) a Supplement to Petition for Leave to Amend Application, filed on March 11, 1998, by August; and (j) Comments in Support of Petition for Leave to Amend Application, filed on March 17, 1998, by the Bureau.

Background

2. Stephens, August, and Grass Roots are the last remaining applicants in the Round Rock, Texas, proceeding for Channel 290C2. They originally filed their applications in July 1988 and their applications, together with nine others, were designated for hearing in January 1991. Round Rock Ventures, 6 FCC Rcd 277 (MMB 1991). Hearing sessions were held in November 1991 and June 1992, and the record was closed on June 30, 1992. Order, FCC 92M-747, released July 2, 1992; Tr. 1861.

3. Thereafter, this proceeding was frozen by the Commission's Public Notice, FCC Freezes Comparative Proceedings, 9 FCC Rcd 1055 (1994), in light of the decision of the Court of Appeals in Bechtel v. FCC, 10 F.3d 875 (D.C. Cir. 1993). Bechtel held that the integration of ownership into management criterion used by the Commission to decide among competing applicants was unlawful. This proceeding has now been settled and the Petitioners request approval of their Settlement Agreement and a number of related amendments.

#### Stephens' Petition for Leave to Amend

4. Stephens seeks leave to amend her application to change the identity of the applicant from Stephens, an individual, to the Elinor Lewis Stephens Charitable Remainder Trust ("Stephens Trust"). No other changes in the application or in the information previously reported to the Commission are being made. In support, Stephens states that, as the sole trustee of the Stephens Trust, she remains in full control of the applicant. Stephens further states that, by changing the applicant to the Stephens Trust, she will realize a significant tax benefit from the settlement of this proceeding.

5. Stephens' unopposed Petition will be granted and her amendment accepted. Suffice it to say, although the amendment is voluntary, it meets all of the other elements of the Commission's good cause test. See Erwin O'Conner Broadcasting Co., 22 FCC 2d 140, 143 (Rev. Bd. 1970). Moreover, it is well established that an applicant is permitted to effectuate a pro forma change in its structure provided that the ownership of the applicant remains the same. See Anax Broadcasting, Inc., 87 FCC 2d 483, 487-88 (1981); see also Cannon Communications Corporation, 3 FCC Rcd 4291 (¶ 2) (1988); Irving A. Uram, 61 RR 2d 1266 (ALJ 1987).

#### Joint Request for Approval of Settlement Agreement

6. The Petitioners have entered into a Settlement Agreement which they have attached to their Joint Request. Pursuant to that agreement, the applications of the Stephens Trust and Grass Roots would be dismissed, Hicks, a new party, would pay consideration to each of the dismissing applicants and to August, and August's application would be granted, with Hicks substituted for August as the surviving applicant. To implement this proposal, August filed its February 20th amendment, which seeks the substitution of Hicks as the applicant, and its March 6th amendment, which seeks leave to substitute a new technical proposal for the one originally submitted to the Commission.<sup>1</sup>

7. The Bureau has reviewed the Settlement Agreement and August's amendments and submits that the Petitioners have complied with all relevant requirements of the Communications Act of 1934 ("Communications Act") and the Commission's rules, including the multiple ownership rules. Further, the Bureau notes that Hicks' qualifications have been repeatedly passed upon by the Commission and that, considering Hicks has an attributable interest in

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<sup>1</sup> August's technical amendment contemplates locating the Round Rock FM transmission facility on an existing tower and master antenna in the Austin, Texas, area.

connection with authorizations in the Austin, Texas, market, which includes Round Rock, publication of the substitution in accordance with Rebecca Radio of Marco, 4 FCC Rcd 830, 833 (¶ 29) (1989), is not necessary. In addition, the engineering staff of the Bureau has reviewed August's technical amendment and has determined that it conforms with the Commission's rules.

8. The Joint Request will be granted and the Settlement Agreement approved. Congress recently enacted Section 3002(a)(3) of the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251 (1997), which added a new Section 309(l) to the Communications Act. Section 309(l)(3) requires the Commission, during the 180-day period after enactment, to "waive any provisions of its regulations necessary" to permit persons, who, before July 1, 1997, filed competing applications for construction permits for new commercial radio or television stations, "to enter an agreement to procure the removal of a conflict between their applications." In accordance with this mandate, the requirements of Section 73.3525(a) of the Commission's Rules pertaining to the amounts which may be paid to the Stephens Trust, August, and Grass Roots will be waived. Gonzales Broadcasting, Inc., 12 FCC Rcd 12253, 12255-56 (¶ 10) (1997).

9. Moreover, the Commission has indicated that, in order to facilitate resolution of frozen hearing cases, it is inclined to waive its policy against settlements involving the award of a construction permit to a non-applicant third party such as Hicks. Implementation of Section 309(j) of the Communications Act, FCC 97-397, released November 26, 1997 (¶ 26). Indeed, in Edward P. and Pamela J. Levine, FCC 97I-41, released December 29, 1997 (OGC), and Lisa M. Harris, FCC 98I-11, released March 16, 1998 (OGC), waiver of the policy was found to be in the public interest. Consequently, it would be appropriate to waive the policy here in order to allow Hicks to obtain the construction permit.

10. The Petitioners have also shown that their Joint Request complies in all respects with the requirements of Section 311(c) of the Communications Act and the provisions of Section 73.3525(a) of the Rules. Thus, the Petitioners have provided sworn statements that there has been no consideration paid or promised for the dismissal of the Stephens Trust and Grass Roots applications, or for the amendment of the August application, other than that disclosed in the Settlement Agreement, that their applications were not filed for the purpose of reaching or carrying out a settlement agreement, and that approval of the agreement will serve the public interest by facilitating the institution of new FM radio service for Round Rock, Texas, and by terminating this litigation. Finally, good cause having been shown, August's petitions for leave to amend, which implement the Petitioners' settlement proposal, will be granted and its amendments will be accepted.

#### Ordering Clauses

Accordingly, IT IS ORDERED that the Petition for Leave to Amend Application filed by August on February 20, 1998, the Petition for Leave to Amend filed by Stephens on March 2, 1998, the Petition for Leave to Amend Application filed by August on March 3, 1998, and the Petition for Leave to Amend Application filed by August on March 6, 1998, ARE GRANTED and the accompanying amendments ARE ACCEPTED.

IT IS FURTHER ORDERED that the Joint Request for Approval of Settlement Agreement filed by the Petitioners on January 30, 1998, IS GRANTED, that the Settlement Agreement attached thereto IS APPROVED, and that the applications of the Stephens Trust and Grass Roots ARE DISMISSED with prejudice.

IT IS FURTHER ORDERED that the above-captioned application of August Communications Group, Inc., for a construction permit for a new FM station on Channel 290C2 in Round Rock, Texas, as amended to substitute R. Steven Hicks as the applicant, and as amended to substitute a new technical proposal, IS GRANTED.

IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Arthur I. Steinberg  
Administrative Law Judge



United States of America  
**FEDERAL COMMUNICATIONS COMMISSION**  
**FM BROADCAST STATION CONSTRUCTION PERMIT**

Official Mailing Address:  
-----

R. STEVEN HICKS  
1702 WINDSOR ROAD  
AUSTIN, TX 78703  
-----

Authorizing Official:

*James D. Bradshaw*  
-----  
James D. Bradshaw  
Supervisory Engineer  
Audio Services Division  
Mass Media Bureau

Grant Date: JUN 24 1998

Call Sign: 880714MN

This permit expires 3:00 a.m.  
local time, 18 months after  
grant date specified above.

Permit File No.: BPH-880714MN

This construction permit is being issued pursuant to the  
grant in MM Docket 90-608, released March 20, 1998.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

This permit shall be automatically forfeited if the station is not ready for operation within the time specified (date of expiration) or within such further time as the Commission may allow, unless completion of the station is prevented by causes not under the control of the permittee. See Sections 73.3598, 73.3599 and 73.3534 of the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee:

R. Steven Hicks

Station Location:

TX-ROUND ROCK

Frequency (MHz): 105.9

Channel: 290

Class: C2

Hours of Operation: Unlimited

Transmitter location (address or description):

Buckman Mountain Road, 7.2 Kilometers Northwest of Austin,  
Texas.

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670  
of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: (directional or non-directional): Non-Directional

Antenna Coordinates: North Latitude : 30 19 23  
West Longitude : 97 47 58

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW).....:	4.5	4.5
Maximum ERP with Beam Tilt.....:	4.5	4.5
Height of radiation center above ground (Meters).....:	364	364
Height of radiation center above mean sea level (Meters).....:	615	615
Height of radiation center above average terrain (Meters).....:	397	397

Antenna structure registration number: 1013180

Overall height of antenna structure above ground (including obstruction  
lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

1. \*\*\*\*\* This is a Section 73.215 contour protection grant \*\*\*\*\*  
\*\*\*\*\* as requested by this applicant \*\*\*\*\*

2. The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.
3. Permittee shall submit a copy of the vertical plane pattern for the -0.5 degree beam tilt antenna along with the Form 302 application for license.

\*\*\* END OF AUTHORIZATION \*\*\*

## **ATTACHMENT B**

Report No. 335  
1998

## Mass Media Bureau Call Sign Actions

Jul. 10,

During the time period from Jun. 29, 1998 to Jul. 12, 1998 the Commission accepted applications to, assign call signs to, or change the call signs of the following broadcast stations.

## Call Signs reserved for Pending Sales Applicants \*

Call Sign Former Call	Srv	Requested By	File-Number
KDAV	AM	PENAISSANCE BROADCASTING, INC.; LUBBOCK, TX	BAL -980616EF
KLLL			
KLNO	FM	EQUICOM, INC.; NAVASOTA, TX	BAPLH -980422GK
KMBV			
KPRF	FM	GULFSTAR COMMUNICATIONS, INC.; AMARILLO, TX	BALH -980310ES
KNSY			
WHAN	AM	FIFTH ESTATE COMMUNICATIONS, LLC; ASHLAND, VA	BAL -980529GG
WPES			
WMTT	FM	DUBOIS AREA BROADCASTING CO., INC.; RIDGEBURY, PA	BALH -980526EI
WMKB			
WNSG	AM	MORTENSON BROADCASTING COMPANY; NASHVILLE, TN	BAL -980623GK
WKDA			
WRTB	AM	CONCORD MEDIA GROUP, INC.; DUNEDIN, FL	BAL -980604GM
WLVU			

\* Commission grant and consummation does not automatically grant the pending call sign application. The new licensee must provide written notice to the call sign desk upon consummation of the transaction and await authority from the Commission to use the new call sign.

## New or Modified Call Signs

Effective File-Number	Call Sign Former Call	Srv	Assigned To	
06/29/1998	KGKS	FM	VIANDS ENTERPRISES, INC.; SCOTT CITY, MO	BPH
-951127MD NEW	KKAW	FM	TSB II, INC.; ALBIN, WY	BPH
-960930MJ NEW	KLFO	FM	LANE COMMUNITY COLLEGE; FLORENCE, OR	BPED
-970825MN NEW	KRBT	AM	IRON RANGE BROADCASTING, INC.; EVELETH, MN	
WEVE	KROR	FM	THREE EAGLES OF COLUMBUS, INC.; HASTINGS, NE	

-960415ME NEW WSVP FM EDUCATIONAL MEDIA CORPORATION; EMPORIA, VA BPED  
 -971001MI NEW

Report No. 335 Mass Media Bureau Call Sign Actions Jul. 10,  
 1998

WHCM	WXXK	FM	PBBC, INC.; PARKERSBURG, WV	
07/07/1998	KFMK	FM	R. STEVEN HICKS; ROUND ROCK, TX	BPH
-880714MN NEW	WRVB	FM	102, INC.; MARIETTA, OH	
WURN	WXSS	FM	SINCLAIR RADIO OF MILWAUKEE LICENSEE, INC.; WAUWATOSA, WI	
WAMG	KJLR-LP	LP	COWSERT FAMILY, L.L.C.; LITTLE ROCK, AR	
07/10/1998	KKED	FM	PACIFIC STAR COMMUNICATIONS, INC.; FAIRBANKS, AK	
K28DK	KQQA	AM	YELLOW ROSE COMMUNICATIONS, INC.; CREEDMOOR, TX	
KUAB	KZJG-LP	LP	COWSERT FAMILY, L.L.C.; LITTLE ROCK, AR	
KNEZ	WBKX	FM	NATURE COAST COMMUNICATIONS CORPORATION; YANKEETOWN, FL	
K13UW	WCLX	FM	JAC-VIN RELIGIOUS BROADCASTERS, INC.; MCARTHUR, OH	
WAZN	WKLX	FM	CHARLES M. ANDERSON; BEAVER DAM, KY	
WYPC-FM	WVGN	FM	CALYPSO COMMUNICATIONS; CHARLOTTE AMALIE, VI	
WAUE	WVNX	AM	JACKSON COUNTY BROADCASTING, INC.; WELLSTON, OH	
WJTD	WYPC	AM	JACKSON COUNTY BROADCASTING, INC.; WELLSTON, OH	
07/11/1998	WJOT	AM	MID-AMERICA RADIO OF WABASH, INC.; WABASH, IN	
WAYT	WJOT-FM	FM	MID-AMERICA RADIO OF WABASH, INC.; WABASH, IN	
WWIP	KDFW	TV	FOX TELEVISION STATIONS, INC.; DALLAS, TX	
07/12/1998	KSOB	FM	LEE O. AXDAHL; DELL RAPIDS, SD	BPH
KDFW-TV	KTBC	TV	KTBC LICENSE, INC.; AUSTIN, TX	
-950629MA NEW	KTBC-TV	FM	TEXAS PUBLIC RADIO; INGRAM, TX	BPED
	KTXI	FM	TEXAS PUBLIC RADIO; INGRAM, TX	BPED
-950817MA NEW	KWTR	FM	WOODROW MICHAEL WARREN; BIG LAKE, TX	BPH
-970502MA NEW	WAGA	TV	WAGA LICENSE, INC.; ATLANTA, GA	
WAGA-TV				

## **ATTACHMENT C**

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

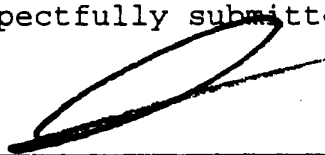
In the Matter of	)	MM Docket No. 90-608
	)	
ELINOR LEWIS STEPHENS	)	File No. BPH-880714ML
	)	
AUGUST COMMUNICATIONS GROUP, INC.	)	File No. BPH-880714MN
	)	
GRASS ROOTS RADIO, INC.	)	File No. BPH-880715NJ
	)	
For Construction Permit for a	)	
New FM Station on Channel 290C	)	
in Round Rock, Texas	)	

To: The Honorable Arthur I. Steinberg  
Administrative Law Judge

PETITION FOR LEAVE TO AMEND APPLICATION

August Communications Group, Inc. petitions for leave to accept the attached amendment of its application to substitute R. Steven Hicks as the applicant pursuant to a settlement agreement filed January 30, 1998. Good cause exists for acceptance of this amendment, which is filed pursuant to 47 U.S.C. 309(1) and Commission policy in Implementation of Section 309(1) of the Communications Act, FCC 97-397, released November 26, 1997, at ¶7, and Gonzales Broadcasting, Inc., 12 FCC Rcd. 12253, 12255-56 (1997).

Respectfully submitted,



Gene A. Bechtel

Bechtel & Cole, Chartered  
Suite 250, 1901 L Street, N.W.  
Washington, D.C. 20036  
Telephone 202-833-4190  
Telecopier 202-833-3084

Counsel for August  
Communications Group, Inc.

February 20, 1998

BECHTEL & COLE  
CHARTERED  
ATTORNEYS AT LAW  
SUITE 250  
1901 L STREET, N.W.  
WASHINGTON, D.C. 20036  
TELEPHONE (202) 833-4190

GENE A. BECHTEL

TELECOPIER  
(202) 833-3084  
INTERNET/E-MAIL  
COLESLAW@EROLS.COM

February 19, 1998

Via Courier

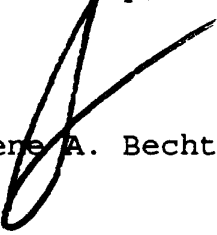
Federal Communications Commission  
Mass Media Services  
Post Office Box 358195  
Pittsburgh, PA 15251-5195

Dear Madam or Sir:

Enclosed in triplicate is a major change amendment of the pending application of August Communications Group, Inc. for construction permit for a new FM station at Round Rock, Texas, File No. BPH-880714MN. Also enclosed is a check in the amount of \$2,470.00 with related form in payment of the filing fee.

If you or the Commission's staff should have any questions concerning this matter, please contact me or Jerry V. Haines, Esq., Wiley, Rein & Fielding.

Sincerely,

  
Gene A. Bechtel

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION

APPROVED BY OMB 3060-0589

REMITTANCE ADVICE

(1) LOCKBOX # 358195

PAGE NO. 1 OF 1

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Wiley, Rein & Fielding

(3) TOTAL AMOUNT PAID (dollars and cents)

\$ 2,470.00

(4) STREET ADDRESS LINE NO. 1

1776 K Street, N.W.

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Washington

(7) STATE

D.C.

(8) ZIP CODE

20006

(9) DAYTIME TELEPHONE NUMBER (include area code)

(202) 429-7000

(10) COUNTRY CODE (if not in U.S.A.)

IF PAYER NAME THE AND APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B  
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)

R. Steven Hicks

(12) STREET ADDRESS LINE NO. 1

1702 Windsor Road

(13) STREET ADDRESS LINE NO. 2

(14) CITY

Austin

(15) STATE

TX

(16) ZIP CODE

78703

(17) DAYTIME TELEPHONE NUMBER (include area code)

counsel (202) 429-7280

(18) COUNTRY CODE (if not in U.S.A.)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGN/OTHER ID

New FM Station

(20A) PAYMENT TYPE CODE (PTC)

M

T

R

(21A) QUANTITY

1

(22A) FEE DUE FOR (PTC) IN BLOCK 20A

\$ 2,470.00

FCC USE ONLY

(23A) FCC CODE 1

Round Rock, TX

(24A) FCC CODE 2

(19B) FCC CALL SIGN/OTHER ID

(20B) PAYMENT TYPE CODE (PTC)

(21B) QUANTITY

(22B) FEE DUE FOR (PTC) IN BLOCK 20B

FCC USE ONLY

(23B) FCC CODE 1

(24B) FCC CODE 2

(19C) FCC CALL SIGN/OTHER ID

(20C) PAYMENT TYPE CODE (PTC)

(21C) QUANTITY

(22C) FEE DUE FOR (PTC) IN BLOCK 20C

FCC USE ONLY

(23C) FCC CODE 1

(24C) FCC CODE 2

(19D) FCC CALL SIGN/OTHER ID

(20D) PAYMENT TYPE CODE (PTC)

(21D) QUANTITY

(22D) FEE DUE FOR (PTC) IN BLOCK 20D

FCC USE ONLY

(23D) FCC CODE 1

(24D) FCC CODE 2

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25)

PAYER TIN

0

5

2

1

2

8

9

9

8

8

(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2

APPLICANT TIN

0

4

5

9

8

8

3

9

6

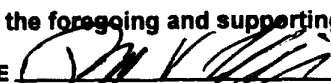
7

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT

I, Jerry V. Haines

(PRINT NAME)

, Certify under penalty of perjury that the foregoing and supporting information  
are true and correct to the best of my knowledge, information and belief. SIGNATURE 

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28)

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION DATE:

MASTERCARD

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD  
for the service(s)/authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE

**AMENDMENT**

The application of August Communications Group, Inc., is amended to furnish the attached amendment substituting R. Steven Hicks as the applicant pursuant to the duly executed settlement agreement filed January 30, 1998.

August Communications Group, Inc.

A handwritten signature in black ink, appearing to read 'John W. Barger', is written over a horizontal line.

John W. Barger, President

**Section I - GENERAL INFORMATION (Page 2)**

3. This application is for: (check one box)

☐ AM

☒ FM

☐ TV

(b) Channel No. or Frequency
290C2

(b) Principal Community	City	State
	Round Rock	TX

(c) Check one of the following boxes:

☐ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: .....

☐ MINOR change in licensed facilities; call sign: .....

☐ MAJOR modification of construction permit; call sign: .....

File No. of construction permit; call sign: .....

☐ MINOR modification of construction permit; call sign: .....

File No. of construction permit; call sign: .....

☒ AMENDMENT to pending application: Application File Number: ..... BPH-880714MN

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information. See Exhibit A.

4. Is this application mutually exclusive with a renewal application?

☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

FOR  
FCC  
USE  
ONLY

## FCC 301

### APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY  
FILE NO.

#### Section I - GENERAL INFORMATION

1. APPLICANT NAME (Last, First, Middle Initial)

R. Steven Hicks

MAILING ADDRESS (Line 1) (Maximum 35 characters)

c/o Wiley, Rein & Fielding (JVH)

MAILING ADDRESS (Line 2) (Maximum 35 characters)

1776 K Street, N.W.

CITY

Washington

STATE OR COUNTRY (if foreign address)

D.C.

ZIP CODE

20006

TELEPHONE NUMBER (include area code)

(202) 429-7000

CALL LETTERS

New FM Station

OTHER FCC IDENTIFIER (IF APPLICABLE)

2. A. Is a fee submitted with this application?

☒ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1113) and go to Question 3.

☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)	(B)	(C)	
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
M T R	0 0 0 1	\$ 2,470.00	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	
			FOR FCC USE ONLY
		\$	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT  
REMITTED WITH THIS  
APPLICATION

\$ 2,470.00

FOR FCC USE ONLY

## Section II - LEGAL QUALIFICATIONS

Name of Applicant

R. Steven Hicks

1. Applicant is: (check one box below)

- ☒ Individual      ☐ General partnership      ☐ For-profit corporation  
☐ Other      ☐ Limited partnership      ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the applicant.

Exhibit No.  
N/A

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date \_\_\_\_\_ Place \_\_\_\_\_

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3, above, relating to future ownership interests in the applicant, including but not limited to, stock pledges or other forms of security, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, warrants, or debentures?

☒ Yes      ☐ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.  
B

5. Complete, if applicable, the following certifications:

- (a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☐ Yes      ☐ No

N/A

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

- (b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes      ☐ No

N/A

If Yes, applicant certifies that the entity holding such interests exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes      ☐ No

N/A

## Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

- a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

- b. Citizenship.

- c. Office or directorship held.

- d. Number of shares or nature of partnership interests.

- e. Number of votes.

- f. Percentage of votes.

NOTE: Radio applicants ONLY: Radio applicants need not respond to subparts g and h of the table. Instead, proceed and respond to Questions 7, 8 and 9, Section II below.

- g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

- h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

a.	R. Steven Hicks 1702 Windsor Road Austin, TX 78703		
b.	U.S.		
c.	N/A		
d.	N/A		
e.	N/A		
f.	N/A		
g.	N/A		
h.	N/A		